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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,504	08/22/2003	Makoto Takamura	033022-009	8738

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EXAMINER

PATEL, VIP

ART UNIT PAPER NUMBER

2879

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,504

Applicant(s)

TAKAMURA, MAKOTO

Examiner

Vip Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected for following reasons.

Figure 1 is not designated by a legend such as "Prior Art". The legend is necessary in order to clarify what applicant's invention is (see MPEP § 608.02g).

Applicant is required to submit a proposed drawing correction, showing changes in red ink, in response to this Office action. However, formal correction of the noted defect(s) can be deferred until the application is allowed by the examiner (see MPEP 608.02v).

Claim Rejections - 35 USC § 112

Claims 1, 3-5, 7-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 13 of claim 1, the applicant claims wherein the electrodes have an anode and a cathode formed alternately. "the electrodes" lacks antecedent basis. Also, here, does applicant intend to claim that first, second, and third electrodes ---act as--- cathode, anode and cathode respectively? For the examination purposes, the examiner assumes that the first, second, and third electrodes act as cathode and anode formed alternately. Claims 3 and 4 are included in the rejection due to their dependency on rejected base claim.

In line 2 of claim 3, the applicant claims "an electrode for transmitting EL light ". IS this electrode separate/different than the first, second , and third electrodes described in claim 1? Also, starting line 5, it is not clear at all as to what exactly the applicant is attempting to claim with "b) another metal wherein the electrodes is provided on a boundary between the electrodes which are cathodes and the EL layer". Similar situations also appear in claims 5 and 9. Claims 7, 8, and 10 are included in the rejection due to their dependency on rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Utsugi (US 5837391).

Regarding claim 1, Utsugi discloses an organic EL display device (see figure 20) comprising a substrate (40), a first electrode/anode (42a), a first organic EL layer (22a), a second electrode/cathode (42b), a second organic EL layer (22b), and a third electrode/anode (42c).

Regarding claim 2, Utsugi discloses additional limitation of odd numbered and even numbered electrodes being connected to a first and second electrode terminals (see lines 4-12 of column 18 or figure 5).

Regarding claims 4 and 6, it should be noted that limitation of "An information terminal" appears only in a preamble and thus intended use limitation not affording any patentable weight. Alternatively, the EL display of Utsugi "displays" information of some kind since it is a display. ✓

Claims 1-2, 4, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Forrest et al (US 6297516).

Regarding claim 1, Forrest discloses an organic EL display device (figure 7b) comprising a substrate (not labeled), a first electrode (121) on the substrate, a first organic EL layer (110) on the first electrode, a second electrode (112) on the first EL

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layer, a second EL layer (114) on the second electrode, and a third electrode layer (116) on the second EI layer. Forrest's electrodes act as cathode and anode formed alternately.

Regarding claim 2, Forrest additionally discloses odd numbered and even numbered electrodes are connected to a first and second electrode terminals (121b and 121c).

Regarding claims 4 and 6, it should note that limitation of "An information terminal" appears only in a preamble and thus intended use limitation not affording any patentable weight. Alternatively, the EI display of Forrest "displays" information of some kind since it is a display.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on Monday-Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIP PATEL
PRIMARY EXAMINER
ART UNIT 2879